HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Civil Writ Petition No. 4607/2008
CNR: RJHC010191132008 | URN: CW / 11134U / 2008

A.M. Varghese

----Petitioner

Versus

State And Ors

----Respondent

Connected With

S.B. Civil Writ Petition No. 4606/2008
CNR: RJHC010191152008 | URN: CW / 11133U / 2008

Bhupender Singh

----Petitioner

Versus

State And Anr

----Respondent

For Petitioner(s)	:	Mr. Arund Dadich
For Respondent(s)	:	Mr. Lalit Kumar Purohit

HON'BLE MR. JUSTICE SANJEET PUROHIT

Order

07/08/2026

1. The present writ petitions have been filed with the following prayers :

> "It is, therefore, most respectfully prayed that record of the case may kindly be called for and by an appropriate writ order or direction respondents be directed to grant the selection grades in the pay scale which is corresponding to the next promotional post. If necessary and needed then the orders dated 29.4.94 (Ist/IInd selection grade) and 29.4.98 (IIIrd selection grade) by which the wrong pay scales which

has been granted may kindly be order to be corrected and the respondents may be directed to calculate the amount and the arrears may be paid to the petitioner alongs with 18% interest p.a. thereon. It is alternatively prayed that the orders dated 29.4.94 (Ist/IInd selection grade) and 29.4.98 (IIIrd selection grade) may kindly be quashed and set aside and the correct pay scales be directed to be granted to the petitioner with consequential benefits. This writ petition may kindly be allowed with cost.

That each and every prayer made here-in-above is alternative and without prejudious.

Any other appropriate writ, order or direction which this Hon'ble Court considers just and proper in the facts and circumstances of the case, may kindly be passed in favour of the petitioner."

2. At the outset, learned counsel for the petitioners submits that the issue involved in the present writ petitions is no more *res integra* and has already been decided by the judgment dated 15.05.2026 of Hon'ble Division Bench in ***DB Special Appeal (Writ) No.1518/2025 : Narendra Singh Vs. State of Rajasthan & Anr***.

3. Per contra, learned counsel for the respondents attempted to distinguish the facts of the present case from the case of *Narendra Singh* (supra). However, this Court finds that in the present case selection grade to the next promotional post has not been granted to the petitioners solely on the ground that the said promotional post has been declared as a dying cadre by the respondent-Department.

4. It was the case of the respondents that since the next promotional post has already been declared a dying cadre, the

case of the petitioners would be governed by Clause 5 of the order dated 21.01.1992, which pertains to isolated post.

5. Learned counsel for the respondents further submits that the same has been held by the Coordinate Bench of this Court in **SB Civil Writ Petition No.3478/2003 : Narendra Singh Vs. State of Rajasthan & Anr**. vide judgment dated 10.09.2025.

6. The said judgment was later on quashed by the Hon'ble Division Bench in the case of Narendra Singh (supra), wherein Hon'ble Division Bench has held as under :

> "5. We find that an error has occurred. The concept of isolated posts as envisaged in clause 5 of the circular dated 25.01.1992 applies where there is no channel of promotion available under the rules for the post held by an individual employee. However, if the rules provide for a channel of promotion but the State Government declares the said post to be a dying cadre, it would not mean that the benefit of selection scale for that post, which has been declared as a dying cadre, would not be granted.
>
> 6. Accordingly, the present appeal succeeds. The benefit of second selection scale on completion of 18 years of service would be granted to the appellant/petitioner on the grade as available to the post of Workshop Supervisor i.e. 2000-3200 (revised to 6500-10500). Consequently, the pay fixation of the petitioner shall be revised and the arrears shall be calculated and released to the petitioner accordingly. The aforesaid exercise shall be conducted within a period of three months forthwith.
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> 7. The appeal is accordingly allowed. All pending applications stand dismissed."

7. In view of the said observations so made by Hon'ble Division Bench, the present writ petitions are also **disposed of** in the same terms. The petitioners are held entitled for the selection grade in the pay scale corresponding to the next promotional post as well as consequential benefits accordingly.

8. The respondent-authorities are directed to ensure due compliance with the order passed by this Court by granting selection grade in the pay scale corresponding to next promotional post and by carrying out the requisite pay fixation in accordance with the judgments rendered by this Court as well as by Hon'ble Division Bench of this Court in the case of *Narendra Singh* (supra) within a period of three months from the date of receipt of certified copy of this order.

9. Stay application and all pending application(s) are also **disposed of**.

(SANJEET PUROHIT),J

9/A.Arora/-